



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Groothuis *et al.*
Appl. No.: 10/694,944
Filed: October 29, 2003
For: **Distal Protection Device for
Filtering and Occlusion**

Confirmation No.: 6136
Art Unit: 3763
Examiner: *To Be Assigned*
Atty. Docket: P1237 (1737.2640000)

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying PTO/SB/08a and PTO/SB/08b forms are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO/SB/08a and PTO/SB/08b forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
 - 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
 - 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first

cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
6. An English abstract of the non-English language documents, Doc. Nos. BA1, BB1, BC1, and BD1 are provided herewith.
7. Copies of the U.S. Patent documents are not submitted herewith because this application was filed after June 30, 2003. *See* 1273 Off. Gaz. Pat. Office 55, published August 5, 2003. Copies of the foreign patents and non-patent publications are submitted herewith (i.e., Doc Nos. BA1-BF1, BA2-BC2, and CA1).
8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed

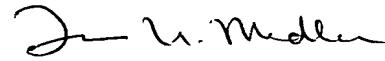
_____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08a and PTO/SB/08b forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Teresa U. Medler
Attorney for Applicants
Registration No. 44,933

Date: April 29, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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Substitute for Form 1449A/PTO

Complete If Known

Application Number	10/694,944
Filing Date	October 29, 2003
First Named Inventor	Adam GROOTHUIS
Art Unit	3763
Examiner Name	To Be Assigned
Attorney Docket Number	P1237 (1737.2640000)

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

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Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If Known)			
AA1	US-3,540,431		11-17-1970	Mobin-Uddin	
AB1	US-3,952,747		04-27-1976	Kimmell, Jr.	
AC1	US-4,425,908		01-17-1984	Simon	
AD1	US-4,494,531		01-22-1985	Gianturco	
AE1	US-4,577,631		03-25-1986	Kreamer	
AF1	US-4,619,246		10-28-1986	Molgaard-Nielsen <i>et al.</i>	
AG1	US-4,643,184		02-17-1987	Mobin-Uddin	
AH1	US-4,662,885		05-05-1987	DiPisa, Jr.	
AI1	US-4,688,553		08-25-1987	Metals	
AJ1	US-4,723,549		02-09-1988	Wholey <i>et al.</i>	
AK1	US-4,727,873		03-01-1988	Mobin-Uddin	
AL1	US-4,765,332		08-23-1988	Fischell <i>et al.</i>	
AM1	US-4,772,258		09-20-1988	Marangoni <i>et al.</i>	
AN1	US-4,790,812		12-13-1988	Hawkins, Jr. <i>et al.</i>	
AO1	US-4,794,928		01-03-1989	Kletschka	
AP1	US-4,817,600		04-04-1989	Herms <i>et al.</i>	
AQ1	US-4,842,579		06-27-1989	Shiber	
AR1	US-4,873,978		10-17-1989	Ginsburg	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ⁴ Kind Code ⁵ (in known)				
BA1	DE 3417738 A1		11-14-1985	Hengst Walter GmbH & Co. KG		
BB1	DE 3900517 A1		07-20-1989	MO Med Inst. Pirogova		
BC1	DE 4030998 C2		04-18-1991	Strecker		
BD1	FR 2580504		10-24-1986	Pieronne		
BE1	WO 92/03097		03-05-1992	EVI corp.		
BF1	WO 93/12723		07-08-1993	SciMed Life Systems, Inc.		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M PEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Substitute for form 1449A/PTO				Complete If Known	
				Application Number	10/694,944
				Filing Date	October 29, 2003
				First Named Inventor	Adam GROOTHUIS
				Art Unit	3763
				Examiner Name	To Be Assigned
				Attorney Docket Number	P1237 (1737.2640000)
Sheet 2 of 9					

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		Number-Kind Code ² (If Known)			
AA2		US-4,921,484	05-01-1990	Hillstead	
AB2		US-4,926,858	05-22-1990	Gifford, III et al.	
AC2		US-4,943,297	07-24-1990	Saveliev et al.	
AD2		US-4,957,501	09-18-1990	Lahille et al.	
AE2		US-4,990,156	02-05-1991	Lefebvre	
AF2		US-5,011,488	04-30-1991	Ginsburg	
AG2		US-5,053,008	10-01-1991	Bajaj	
AH2		US-5,074,871	12-24-1991	Groshong	
AI2		US-5,090,960	02-25-1992	Don Michael	
AJ2		US-5,092,839	03-03-1992	Kipperman	
AK2		US-5,102,415	04-07-1992	Guenther et al.	
AL2		US-5,108,418	04-28-1992	Lefebvre	
AM2		US-5,108,419	04-28-1992	Reger et al.	
AN2		US-5,133,733	07-28-1992	Rasmussen et al.	
AO2		US-5,147,379	09-15-1992	Sabbaghian et al.	
AP2		US-5,152,777	10-06-1992	Goldberg et al.	
AQ2		US-5,160,342	11-03-1992	Reger et al.	
AR2		US-5,234,458	08-10-1993	Metais	

FOREIGN PATENT DOCUMENTS					
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		Country Code ⁴ Kind Code ⁵ (in known)			
BA2		WO 94/12136	06-09-1994	Boston Scientific Corp.	
BB2		WO 96/01591	01-25-1996	Microvena Corp.	
BC2		WO 99/22673	05-14-1999	C.R. Bard, Inc.	
BD2					
BE2					
BF2					

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³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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		Number-Kind Code ² (If Known)			
	AA3	US-5,242,462	09-07-1993	Ei-Nounou <i>et al.</i>	
	AB3	US-5,300,086	04-05-1994	Gory <i>et al.</i>	
	AC3	US-5,324,304	06-28-1994	Rasmussen	
	AD3	US-5,329,942	07-19-1994	Gunther <i>et al.</i>	
	AE3	US-5,344,427	09-06-1994	Cottenceau <i>et al.</i>	
	AF3	US-5,350,398	09-27-1994	Pavcnik <i>et al.</i>	
	AG3	US-5,370,657	12-06-1994	Irie	
	AH3	US-5,375,612	12-27-1994	Cottenceau <i>et al.</i>	
	AI3	US-5,376,094	12-27-1994	Kline	
	AJ3	US-5,383,887	01-24-1995	Nadal	
	AK3	US-5,413,586	05-09-1995	Dibie <i>et al.</i>	
	AL3	US-5,415,630	05-16-1995	Gory <i>et al.</i>	
	AM3	US-5,421,832	06-06-1995	Lefebvre	
	AN3	US-5,484,424	01-16-1996	Cottenceau <i>et al.</i>	
	AO3	US-5,531,788	07-02-1996	Dibie <i>et al.</i>	
	AP3	US-5,549,626	08-27-1996	Miller <i>et al.</i>	
	AQ3	US-5,601,595	02-11-1997	Smith	
	AR3	US-5,626,605	05-06-1997	Irie <i>et al.</i>	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/694,944
(Use as many sheets as necessary)				Filing Date	October 29, 2003
Sheet	4	of	9	First Named Inventor	Adam GROOTHUIS
				Art Unit	3763
				Examiner Name	To Be Assigned
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		Number-Kind Code ² (If Known)			
	AA4	US-5,649,953	07-22-1997	Lefebvre	
	AB4	US-5,681,347	10-28-1997	Cathcart et al.	
	AC4	US-5,683,411	11-04-1997	Kavteladze et al.	
	AD4	US-5,695,518	12-09-1997	Laerum	
	AE4	US-5,695,519	12-09-1997	Summers et al.	
	AF4	US-5,720,764	02-24-1998	Naderlinger	
	AG4	US-5,725,550	03-10-1998	Nadal	
	AH4	US-5,746,758	05-05-1998	Nordgren et al.	
	AI4	US-5,746,767	05-05-1998	Smith	
	AJ4	US-5,755,790	05-26-1998	Chevillon et al.	
	AK4	US-5,769,816	06-23-1998	Barbut et al.	
	AL4	US-5,795,322	08-18-1998	Boudewijn	
	AM4	US-5,800,457	09-01-1998	Gelbfish	
	AN4	US-5,800,525	09-01-1998	Bachinski et al.	
	AO4	US-5,810,874	09-22-1998	Lefebvre	
	AP4	US-5,814,064	09-29-1998	Daniel et al.	
	AQ4	US-5,827,324	10-27-1998	Cassell et al.	
	AR4	US-5,836,968	11-17-1998	Simon et al	

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Sheet 5 of 9					

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	AA5	US-5,836,969	11-17-1998	Kim et al.	
	AB5	US-5,846,260	12-08-1998	Maahs	
	AC5	US-5,853,420	12-29-1998	Chevillon et al.	
	AD5	US-5,876,367	03-02-1999	Kaganov et al.	
	AE5	US-3,521,620	07-28-1970	Cook	
	AF5	US-3,966,938	06-29-1976	Ott et al.	
	AG5	US-4,456,017	06-26-1984	Miles	
	AH5	US-4,664,113	05-12-1987	Frisbie et al.	
	AI5	US-4,682,599	07-28-1987	Konomura	
	AJ5	US-4,719,924	01-19-1988	Crittenden et al.	
	AK5	US-4,723,549	02-09-1988	Wholey et al.	
	AL5	US-4,723,936	02-09-1988	Buchbinder et al.	
	AM5	US-4,727,873	03-01-1988	Mobin-Uddin	
	AN5	US-4,793,348	12-27-1988	Palmaz	
	AO5	US-4,794,928	01-03-1989	Kletschka	
	AP5	US-4,848,342	07-18-1989	Kaltenbach	
	AQ5	US-5,002,560	03-26-1991	Machold et al.	
	AR5	US-5,041,093	08-20-1991	Chu	

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Substitute for form 1449A/PTO				Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/694,944
(Use as many sheets as necessary)				Filing Date	October 29, 2003
Sheet	6	of	9	First Named Inventor	Adam GROOTHUIS
				Art Unit	3763
				Examiner Name	To Be Assigned
				Attorney Docket Number	P1237 (1737.2640000)

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If Known)			
	AA6	US-5,071,407	12-10-1991	Termin <i>et al.</i>	
	AB6	US-5,114,403	05-19-1992	Clarke <i>et al.</i>	
	AC6	US-5,135,487	08-04-1992	Morrill <i>et al.</i>	
	AD6	US-5,161,427	11-10-1992	Fukuda <i>et al.</i>	
	AE6	US-5,397,305	03-14-1995	Kawula <i>et al.</i>	
	AF6	US-5,397,306	03-14-1995	Nobuyoshi <i>et al.</i>	
	AG6	US-5,480,382	01-02-1996	Hammerslag <i>et al.</i>	
	AH6	US-5,800,391	09-01-1998	Kontos	
	AI6	US-5,827,324	10-27-1998	Cassell <i>et al.</i>	
	AJ6	US-5,865,800	02-02-1999	Mirarchi <i>et al.</i>	
	AK6	US-5,911,734	06-15-1999	Tsugita <i>et al.</i>	
	AL6	US-5,935,139	08-10-1999	Bates	
	AM6	US-5,972,019	10-26-1999	Engelson <i>et al.</i>	
	AN6	US-6,051,014	04-18-2000	Jang	
	AO6	US-6,066,158	05-23-2000	Engelson <i>et al.</i>	
	AP6	US-6,090,097	07-18-2000	Barbut <i>et al.</i>	
	AQ6	US-6,123,715	09-26-2000	Amplatz	
	AR6	US-6,165,200	12-26-2000	Tsugita <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ⁴ Kind Code ⁵ (in known)				

Examiner Signature		Date Considered	
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(Use as many sheets as necessary)				Filing Date	October 29, 2003
Sheet	7	of	9	First Named Inventor	Adam GROOTHUIS
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		Number-Kind Code ² (If Known)			
AA7	US-6,171,327		01-09-2001	Daniel <i>et al.</i>	
AB7	US-6,179,859		01-30-2001	Bates <i>et al.</i>	
AC7	US-6,203,552		03-20-2001	Bagley <i>et al.</i>	
AD7	US-6,235,044		05-22-2001	Root <i>et al.</i>	
AE7	US-6,258,115		07-10-2001	Dubrul	
AF7	US-6,264,672		07-24-2001	Fisher	
AG7	US-6,277,138		08-21-2001	Levinson <i>et al.</i>	
AH7	US-6,277,139		08-21-2001	Levinson <i>et al.</i>	
AI7	US-6,325,815		12-04-2001	Kusleika <i>et al.</i>	
AJ7	US-6,336,934		01-08-2002	Gilson <i>et al.</i>	
AK7	US-6,346,116		02-12-2002	Brooks <i>et al.</i>	
AL7	US-6,364,895		04-02-2002	Greenhalgh	
AM7	US-6,368,339		04-09-2002	Amplatz	
AN7	US-6,375,670		04-23-2002	Greenhalgh	
AO7	US-6,395,014		05-28-2002	Macoviak <i>et al.</i>	
AP7	US-6,398,773		06-04-2002	Bagaoisan <i>et al.</i>	
AQ7	US-6,432,122		08-13-2002	Gilson <i>et al.</i>	
AR7	US-4,080,706		03-28-1978	Heilman <i>et al.</i>	

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<p style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>				<p style="text-align: center;">Complete If Known</p> <table border="1"> <tr> <td><i>Application Number</i></td> <td>10/694,944</td> </tr> <tr> <td><i>Filing Date</i></td> <td>October 29, 2003</td> </tr> <tr> <td><i>First Named Inventor</i></td> <td>Adam GROOTHUIS</td> </tr> <tr> <td><i>Art Unit</i></td> <td>3763</td> </tr> <tr> <td><i>Examiner Name</i></td> <td><i>To Be Assigned</i></td> </tr> <tr> <td><i>Attorney Docket Number</i></td> <td>P1237 (1737.2640000)</td> </tr> </table>		<i>Application Number</i>	10/694,944	<i>Filing Date</i>	October 29, 2003	<i>First Named Inventor</i>	Adam GROOTHUIS	<i>Art Unit</i>	3763	<i>Examiner Name</i>	<i>To Be Assigned</i>	<i>Attorney Docket Number</i>	P1237 (1737.2640000)
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<i>Sheet</i>	8	of	9														

Examiner Signature _____ Date Considered _____

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<p>Substitute for form 1449B/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>				<i>Complete If Known</i>	
				<i>Application Number</i>	10/694,944
				<i>Filing Date</i>	October 29, 2003
				<i>First Named Inventor</i>	Adam GROOTHUIS
				<i>Art Unit</i>	3763
				<i>Examiner Name</i>	<i>To Be Assigned</i>
Sheet	9	of	9	<i>Attorney Docket Number</i>	P1237 (1737.2640000)

NON PATENT LITERATURE DOCUMENTS

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ATTORNEYS AT LAW



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcorn
Robert C. Millonig
Lawrence B. Bugaiksy
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Heidi L. Kraus
Edward W. Yee
Albert L. Ferro*
Donald R. Banowitz
Peter A. Jackman
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaston
Kimberly N. Reddick
Theodore A. Wood

Elizabeth J. Haanes
Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhulier
Rae Lynn Prengaman
Jane Shershenovich*
Lawrence J. Carroll*
George S. Bardmesser
Daniel A. Klein*
Jason D. Eisenberg
Michael D. Specht
Andrea J. Kamage
Tracy L. Muller*
LuAnne M. DeSantis
John J. Figueroa
Ann E. Summerfield
Tiera S. Coston*
Aric W. Ledford*

Michael D. Specht
Jessica L. Parezo
Timothy A. Doyle*
Cynthia M. Bouchez
Nicole D. Dretar*
Ted J. Ebersole
Registered Patent Agents*
Karen R. Markowicz
Nancy J. Leith
Helene C. Carlson
Gaby L. Longsworth
Matthew J. Dowd
Aaron L. Schwartz
Mary B. Tung
Katrina Y. Pei Quach
Bryan L. Skelton
Robert A. Schwartzman

Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford
Eric D. Hayes
Michelle K. Holoubek
Robert H. DeSelms
Simon J. Elliott
Julie A. Heider
Mita Mukerjee
Scott M. Woodhouse
Of Counsel
Kenneth C. Bass III
Evan R. Smith
Marvin C. Guthrie
*Admitted only in Maryland
*Admitted only in Virginia
•Practice Limited to
Federal Agencies

April 29, 2004

WRITER'S DIRECT NUMBER:
(202) 772-8578

INTERNET ADDRESS:
TMEDLER@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 3763
Examiner: *To Be Assigned*
Confirmation No.: 6136

Re: U.S. Utility Patent Application
Application No. 10/694,944; Filed: October 29, 2003
For: **Distal Protection Device for Filtering and Occlusion**
Inventors: *Groothuis et al.*
Our Ref: P1237 (1737.2640000)

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. List of Documents Cited on Forms PTO/SB/08a and PTO/SB/08b (9 pages);
3. Copy of ten (10) documents cited on Forms PTO/SB/08a and PTO/SB/08b (Doc. Nos. BA1-BF1, BA2-BC2, and CA1); and
4. One (1) return postcard.

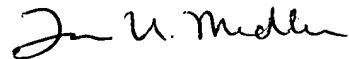
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
April 29, 2004
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Teresa U. Medler
Attorney for Applicants
Registration No. 44,933

TUM/MJM/awt
Enclosures

252404_1.DOC